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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,129	01/08/2002	Niel Raymond Nickolaisen	01545.023	2045

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EXAMINER

DANG, THANH HA T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,129

Applicant(s)

NICKOLAISEN ET AL.

Examiner

Thanh-Ha Dang

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/08/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are rejected in this Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4, 5, 9, and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 1, the claim language is directed to Functional Descriptive Material, which is non-statutory subject matter. The claimed invention is not tangibly embodied in some form of computer medium for the reason set forth above, and therefore does not provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. See MPEP 2106, section IV.B1 (a).

As to claims 4, 5, 9 and 15, the language of claims 4, 5, 9 and 15 raises a question as to whether the claimed method is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP 2106, section IV.B1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,587,876 issued to Mahon et al. ("Mahon").

As to claim 1, Mahon teaches "a policy repository, comprising:

- a database" (Figure 6, wherein block 640 illustrates a database, column 8, lines 21-23);
- "policy stored in said database, said policy providing generic conditions of evaluation, thresholds and actions, said policy being generally easy to modify for specific application of enterprise devices" (Figures 2-4 illustrate policy stored in database, column 4, lines 4-17);

- “a retrieval facility for retrieving policy from said database” (Figures 7 and 10, wherein block740 and block1040 function as a retrieval facility, column 9, lines 49-51 and column 11, lines 57-59); and
- “optionally an authentication facility whereby access through said retrieval facility may be restricted” (Figures 2 and 3, wherein each policy explicitly assigned to its own target shows that its access may be restricted, column 5, lines 39-46).

As to claim 2, Mahon teaches “a policy repository system, comprising:

- a database designed to contain generic policy” (Figure 6, wherein block640 illustrates a database, column 8, lines 21-23);
- “a retrieval facility whereby the generic policy may be retrieved from said database” (Figures 7 and 10, wherein block740 and block1040 function as a retrieval facility, column 9, lines 49-51 and column 11, lines 57-59);
- “optionally an authentication facility whereby access through said retrieval facility may be restricted” (Figures 2 and 3, wherein each policy explicitly assigned to its own target shows that its access may be restricted, column 5, lines 39-46);
- “one or more transferential systems operating to receive policy from said database, said transferential systems being connected to an enterprise” (Figures 6-8 and 9-11, wherein block510 functions as the transferential system to receive policy from the database, column 8, lines 11-67; column 9, lines 1-32; column 10, lines 19-67 and column 11, lines 1-40); and

- “a central information system in electronic communication with said transferential systems, said central information system enabled to provide enterprise device status to administrators” (Figures 6-8 and 9-11, wherein block510 represents a central information system which provide enterprise device status to administrators, column 8, lines 36-39).

Claims 3-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,842,906 issued to Michel K. Bowman-Amuah (“Bowman-Amuah”).

As to claim 3, Bowman-Amuah teaches “a policy repository system, comprising:

- a database designed to contain indexed generic policy” (Figure 14, wherein block1402 illustrates a database which contains indexed generic policy, column 49, lines 4-6);
- “a retrieval facility in communication with said database, said retrieval facility operating to retrieve generic policy contained in said database” (Figure 14, wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7);
- “a search facility in communication with said database, said search facility accepting search parameters, said search facility operating to locate policy of said database in conformance with the search parameters” (Figure 14,

wherein block1412 functions as a search facility, column 53, lines 1-4, column 54, lines 49-67, and column 55, lines 1-47);

- “an entry facility in communication with said database, said entry facility accepting generic policy with index information, said entry facility also delivering the generic policy and the index information to said database” (Figure 14, column 53, lines 6-11);
- “an interface whereby an administer may operate the retrieval, search, and entry facilities” (column 106, lines 13-37);
- “optionally an authentication facility whereby access through said retrieval, search, and entry facilities may be restricted” (Figure 14 (block1410), column 52, lines 19-64 and column 82, lines 8-60); and
- “one or more enterprise management systems operating to receive policy from said database, said enterprise management systems being connected to an enterprise” (column 74, lines 41-67 and column 75, lines 1-67).

As to claim 4, Bowman-Amuah teaches “a method of producing generic policy for application to enterprises, the method comprising the steps of:

- providing a policy database designed to contain generic policy” (Figure 14, column 48, lines 56-67 and column 49, lines 1-7);
- “accepting new generic policy, optionally through authentication” (Figure 14, column 54, lines 20-27);

- “optionally revising the new generic policy” (Figure 14, wherein block1408 supports document maintenance which equivalently includes revising and/or updating of document/policy, column 51, lines 42-44, and column 54, lines 20-27);
- “qualifying the new generic policy to produce accepted generic policy” (column 48, lines 56-60);
- “placing the accepted policy to the policy database” (column 51, lines 42-44); and
- “providing a retrieval facility whereby accepted generic policy may be retrieved from the database, optionally through authentication, the retrieved policy being easily modifiable and installable to an enterprise management system” (Figure 14, wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7).

As to claim 5, Bowman-Amuah teaches “a method of providing generic policy for application to enterprises, the method comprising the steps of:

- providing a policy database whereby generic policy has been entered, said database providing an index for said policy” (Figure 14 illustrates a policy database whereby generic policies including access, security, indexing (to search and/or retrieve), and storage (to store) are defined);

- “searching the policy database using a search criteria, said searching indicating corresponding policy of the database” (Figure 14, wherein block1412 functions as a search facility, column 53, lines 1-4, column 54, lines 49-67, and column 55, lines 1-47);
- “retrieving from the policy database at least a portion of the corresponding policy” (Figures 14 and 158 (block15802), wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28);
- “modifying the corresponding policy for a specific application of an enterprise device producing modified policy” (column 51, lines 42-44); and
- “installing the modified policy to an enterprise management system in communication with the enterprise device, such that the modified policy is utilized for the enterprise device” (column 48, lines 56-60).

As to claim 6, Bowman-Amuah teaches “a system for retrieving generic policy for enterprise management systems, comprising:

- a database adapted to contain generic policy” (Figure 14, column 48, lines 56-67 and column 49, lines 1-7);
- “a retrieval facility in communication with said database, said retrieval facility operating to retrieve generic policy contained in said database” (Figure 14, wherein block1412 and block1408 serve as a retrieval facility,

column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7).

As to claim 7, Bowman-Amuah teaches “a search facility in communication with said database, said search facility accepting search parameters, said search facility operating to locate policy of said database in conformance with the search parameters” (Figure 14, wherein block1412 functions as a search facility, column 53, lines 1-4, column 54, lines 49-67, and column 55, lines 1-47).

As to claim 8, Bowman-Amuah teaches “an entry facility in communication with said database, said entry facility accepting generic policy with index information, said entry facility also delivering the generic policy and the index information to said database” (Figure 14, column 53, lines 6-11).

As to claim 9, Bowman-Amuah teaches “a method of providing generic policy to administrators of enterprise management systems, comprising the steps of:

- providing a policy database designed to contain generic policy” (Figure 155, wherein block15502 illustrates a policy database);
- “providing means of retrieving policy from the database” (Figure 158 (block15802), column 276, lines 38-40);
- “receiving at least one policy identifier” (Figure 54, wherein block5410 receives the policy identifier, column 192, lines 60-63); and

- “delivering policy contained in said database referenced with the policy identifier” (column 276, lines 45-48).

As to claim 10, Bowman-Amuah teaches “the steps of:

- providing means of searching for policy in the database” (Figure 14, wherein block 1412 functions as a search facility, column 53, lines 1-4);
- “receiving policy search criteria” (column 54, lines 49-67, and column 55, lines 1-47);
- “searching the database using the search criteria” (column 54, lines 49-67, and column 55, lines 1-47);
- “identifying policy conforming to the search criteria” (column 54, lines 49-67, and column 55, lines 1-47).

As to claim 11, Bowman-Amuah teaches “the search criteria includes a device type” (column 54, lines 25-27).

As to claim 12, Bowman-Amuah teaches “the search criteria includes a usage type” (column 54, lines 50-67 and column 55, lines 1-14).

As to claim 13, Bowman-Amuah teaches “the search criteria includes a use case” (column 181, lines 13-17).

As to claim 14, Bowman-Amuah teaches “the steps of:

- providing an entry facility whereby generic policy may be added to the database” (Figure 14, column 51, lines 42-44);
- “receiving generic policy with index information” (Figure 14, column 53, lines 6-11);

- storing the generic policy to the database with the index information" (Figure 14, column 53, lines 6-11).

As to claim 15, Bowman-Amuah teaches "a method of development and distribution of generic enterprise policy, comprising the steps of:

- accepting submission of first policy" (Figure 131, column 250, lines 52-67);
- "development of first policy to produce second policy, said development including testing or modification of said first policy" (column 250, lines 23-26);
- "entering said second policy to a policy database" (column 51, lines 42-44);
- "providing access to the policy database whereby the second policy may be retrieved" (Figure 14, wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7).

As to claim 16, Bowman-Amuah teaches "the access to the policy database is restricted by authentication" (column 52, lines 20-64 and column 82, lines 9-60).

As to claim 17, Bowman-Amuah teaches "accepting submission of first policy is restricted by authentication" (Figure 131, column 250, lines 48-67).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh-Ha Dang
Examiner
Art Unit 2163



ALFORD KINDRED
PRIMARY EXAMINER